REMARKS/ARGUMENTS

Responsive to the Official Action mailed March 29, 2004, applicant has further revised the claims of his application in an earnest effort to place this case in condition for allowance. Specifically, claim 21 has been canceled, and claim 28 revised to independent claim form, including the limitations of canceled claim 21. Additionally, claims 22-27, considered to be withdrawn by the Examiner, have been revised so as to depend from new independent claim 28. Reconsideration is respectfully requested.

The Examiner's withdrawal of his rejections under 35 U.S.C. §112 are noted and appreciated.

In connection with the Examiner's restriction requirement, applicant has amended claim 28 into independent claim form, including the limitations of withdrawn, and now canceled, independent claim 21. Subject to the Examiner's approval, applicant has amended claims 22-27 to depend from independent claim 28, with all of these claims directed to the bi-functional nonwoven fabric wipe of applicant's invention. Thus, reconsideration of claim 28, and claims 22-27 depending therefrom, is respectfully requested.

In rejecting the pending claims under 35 U.S.C. §102 and §103, the Examiner has relied upon U.S. Patent No. 6,103,061, to Anderson et al., U.S. Patent No. 4,810,568, to Buyofsky et al., U.S. Patent No. 6,022,818, to Welchel et al., and U.S. Patent No. 5,213,588, to Wong et al. However, it is respectfully maintained that none of these cited references, even considered in combination, teach or suggest

applicant's bi-functional nonwoven fabric wipe structure, wherein the nonwoven fabric construct exhibits a *frictional coefficient differential* between opposite expansive surfaces thereof, as specified in the pending claims. It is respectfully maintained that there is simply no recognition in the prior art of forming such a highly effective nonwoven wipe construct, and accordingly, the Examiner's rejections are respectfully traversed.

For the Examiner's consideration, applicant is having fabric samples delivered to the Examiner, which samples correspond to the tested samples of applicant's application. The Examiner's consideration of these fabric samples, in conjunction with the present response, would be greatly appreciated.

Applicant's Specification sets forth in detail the manner in which the disclosed samples were fabricated, and thereafter tested. At page 17 of applicant's Specification, frictional coefficient data for the samples is set forth, with data for a "control" sample, not having bi-functional characteristics, set forth at page 18. This test data is set forth in graphical form in Figure 4. As will be observed from the data, and from the graph of Figure 4, each of the samples formed in accordance with the present invention exhibited a frictional coefficient differential between opposite expansive surfaces thereof, in significant distinction from the "control," having opposite expansive surfaces exhibiting the same frictional coefficient. To emphasize this bi-functional characteristic of nonwoven fabric wipes formed in accordance with applicant's invention, applicant has revised his claims to specify that the frictional coefficient differential between the expansive surfaces of his fabric wipe is at least

about 0.05, the frictional coefficient differential exhibited by Sample A, with the remaining samples exhibiting higher frictional coefficient differentials.

It is respectfully maintained that there is simply a lack of any recognition in the cited prior art of forming a bi-functional fabric to exhibit such a frictional coefficient differential between the expansive surfaces thereof.

With reference to the Anderson et al. patent, it is respectfully maintained that there are *no teachings* of *enhancing abrasiveness* of the disclosed nonwoven composite material, much less any teachings of providing a frictional coefficient differential, in accordance with applicant's claimed nonwoven fabric wipe. As such, it is respectfully maintained that this reference cannot provide a basis for rejecting the amended claims.

Moreover, those skilled in the art could readily interpret the teachings of Anderson et al. to *teach away* from applicant's claimed invention, in that Anderson et al. specifically contemplates the inclusion of a friction *reducing* agent in the disclosed fabric structure.

In the Action, the Examiner has referred to language in Anderson et al. such as appears at column 2, lines 59 *et seq.*, where it is stated:

> The bonding material may be applied to a first side of the web and to a second and opposite side of the web.

Applicant respectfully refers to M.P.E.P. Section 2112 which specifically references the Court of Appeals for the Federal Circuit in stating:

> The fact that a certain result or characteristic <u>may</u> occur or be present in the prior art is not sufficient to establish

> the inherence of that result or characteristic (emphasis in original; citation omitted).

The M.P.E.P. goes on to caution that:

> Inherency, however, may not be established by probabilities or possibilities, the mere fact that a certain thing may result from a given set of circumstances is not sufficient (citations omitted).

Applicant must respectfully maintain that the Anderson et al. reference, *at best*, suggests no more than a possibility, with clearly no teaching or suggestion in this reference of creating a bi-functional fabric structure exhibiting a frictional coefficient differential between expansive surfaces thereof. Again, those skilled in the art would look to the Anderson et al. reference as *teaching away* from applicant's invention, in light of the express teachings in Anderson et al. of providing friction reducing agents in the disclosed fabric structure.

In the Action, the Examiner acknowledges that Anderson et al. does not teach an intermediate layer between first and second layers, a feature of some embodiments of applicant's invention which has been found to desirably minimize migration of the applied binder from one surface to the other, thus enhancing the frictional coefficient differential effect. In light of the clear deficiencies in the teachings of Anderson et al., it is respectfully maintained that modification of this reference in light of Buyofsky, would simply not be considered an obvious or desirable expedient by those skilled in the art. Anderson et al. specifically contemplates formation of a fabric comprising a fibrous component and a layer of substantially continuous filaments, and effecting *creping* of the entangled web

structure. Applicant must respectfully submit that modifying this structure in light of Buyofsky would be inconsistent with the teachings of Anderson et al. As acknowledged by the Examiner, Anderson et al. does not teach the provision of an intermediate layer for abating migration of binder material from one expansive surface to another, in accordance with applicant's specific disclosure.

Applicant again respectfully refers to the M.P.E.P., Section 2143.01, which specifically admonishes that a proposed modification of a reference "cannot render the prior art unsatisfactory for its intended purpose," and that a proposed modification "cannot change the principle of operation of a reference" (citations omitted).

In the Action, the Examiner has further relied upon U.S. Patent No. 5,951,991, to Wagner et al. in combination with the Anderson et al. reference. However, applicant must respectfully maintain that the Wagner teachings do not overcome the deficiencies in the principle Anderson et al. reference in teaching or suggesting the present invention.

In Wagner et al. it is simply stated that "separate layers of the substrate can be manufactured to have different colors, thereby helping the user to further distinguish the surfaces." It is respectfully submitted that this teaching *does not* teach or suggest the use of a *different colored binder* which is applied to only one surface of a web structure for enhancing surface abrasiveness.

Applicant has previously discussed the shortcomings in the teachings of the Welchel et al. and Wong et al. references. However, it is respectfully maintained

that Welchel et al. does not teach or suggest creating a frictional coefficient differential in a nonwoven fabric wipe construct by application of a binder composition to one surface, but not the other, of the nonwoven fabric. As previously noted, it is respectfully maintained that the secondary Wong et al. patent contemplates enhancing abrasiveness by the inclusion of solid polymeric abrasive particles, but again, it is respectfully maintained that this reference fails to teach or suggest, even in combination with Welchel et al., creating a nonwoven fabric wipe construct having a frictional coefficient differential by application of a binder composition to one, but not the other, of the expansive surfaces of the fabric.

In view of the foregoing, reconsideration of applicant's application is respectfully requested. It is respectfully maintained that by the present invention, the highly effective, cost-effective nonwoven fabric wipe construct is provided, with the bi-functional characteristics of the construct, achieved by application of a binder to one, but not the other, of the expansive surfaces thereof, was simply not contemplated or envisioned by any of the prior art. This is evidenced by the clear absence in the prior art of any teachings regarding surface frictional coefficient characteristics, much less any teachings of creating a frictional coefficient differential, as claimed.

In view of the foregoing, formal allowance of claims 22-28 is believed to be in order and is respectfully solicited. Should the Examiner wish to speak with applicant's attorneys, they may be reached at the number indicated below.

The Commissioner is hereby authorized to charge any additional fees which may be required in connection with this submission to Deposit Account No. 23-0785.

Respectfully submitted,

By _____
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